

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION

LONNIE CARTWRIGHT,
Plaintiff,

v.

LOWE'S HOME IMPROVEMENT, a
business entity form unknown;
LOWE'S HOME CENTERS, LLC;
and DOES 1 through 100,
Defendants.

Case No.: 2:18-CV-04167 SVW (SKx)
[Los Angeles Superior Court Case No.:
BC688504]

*(Assigned to District Judge: Stephen V.
Wilson and Magistrate Judge: Steve Kim)*

**[PROPOSED] ORDER GRANTING
THE PARTIES' JOINT STIPULATION
TO LIMIT PLAINTIFF'S DAMAGES
AND TO REMAND**

Complaint filed: December 27, 2017

ORDER

WHEREAS,

1. Plaintiff LONNIE CARTWRIGHT claims personal injuries and damages arising out of an incident that occurred on or about January 17, 2016 at a Lowe's retail store located at 13500 Paxton Street, in the City of Pacoima, County of Los Angeles, State of California. Plaintiff acknowledges that he claims damages in excess of \$75,000.00.
2. On December 27, 2017, Plaintiff filed a Complaint for personal injury in the California Superior Court of Los Angeles County.

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**JOINT STIPULATION AND [PROPOSED] ORDER TO LIMIT PLAINTIFF'S
DAMAGES AND TO REMAND**

Cartwright v. Lowe's Home Improvement; Case No. 2:18-CV-04167 SVW (SKx)

3. On May 4, 2018, Defendant LOWE'S HOME CENTERS, LLC filed a timely Answer to Plaintiff's Complaint in the Superior Court of California, County of Los Angeles.
4. On May 9, 2018, a Request for Dismissal was filed in State Court, dismissing the entity LOWE'S HOME IMPROVEMENT from the action, leaving LOWE'S HOME CENTERS, LLC as the sole named defendant in the case.
5. On May 17, 2018, Defendant Lowe's timely filed a Notice of Removal of Action under 28 U.S.C. § 1332 & 1441(b).
6. On May 18, 2018, the case was assigned to the Honorable Stephen V. Wilson of the United States District Court for the Central District of California.
7. On May 22, 2018, Defendant Lowe's timely filed in the Superior Court of California, County of Los Angeles a Notice of Removal to Federal Court.
8. Plaintiff agreed and stipulated that his damages, resulting from the alleged incident that occurred on Defendant Lowe's premises on or about January 17, 2016, that is the subject of the within action (formerly Los Angeles County Superior Court Case No. BC688504)(hereinafter, "the litigation"), are capped at \$74,999.99.
9. Plaintiff agreed and stipulated that if his damages should exceed \$74,999.99, he waives the right to claim such damages as a result of the litigation.
10. Plaintiff agreed and stipulated that if his recovery of damages in the litigation should exceed \$74,999.99, either by verdict or other means, he waives the right to recover any such damages in excess of \$74,999.99.
11. Plaintiff agreed and stipulated that should any award or judgment be rendered or entered against Defendant Lowe's with damages in excess of \$74,999.99, he will execute any necessary documents to reduce such award or judgment to \$74,999.99 in damages, and will not execute on any award or judgment in excess of \$74,999.99 in damages.
12. The parties further agreed in light of their agreement to cap Plaintiff's damages

1 at \$74,999.99, the matter should be remanded to State Court.

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3 The Court has read and considered the Joint Stipulation to Limit Plaintiff's
4 Damages and to Remand, and finds the following:

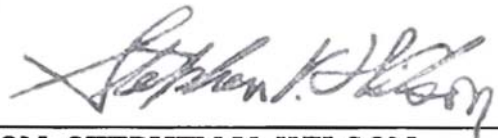
- 5 1. Plaintiff's damages, resulting from the alleged incident that occurred on
6 Defendant Lowe's premises on or about January 17, 2016, that is the subject of
7 the within action (formerly Los Angeles County Superior Court Case No.
8 BC688504)(hereinafter, "the litigation"), are capped at \$74,999.99.
- 9 2. If Plaintiff's damages should exceed \$74,999.99, he waived the right to claim
10 such damages as a result of the litigation.
- 11 3. If Plaintiff's recovery of damages in the litigation should exceed \$74,999.99,
12 either by verdict or other means, he waived the right to recover any such
13 damages in excess of \$74,999.99.
- 14 4. Should any award or judgment be rendered or entered against Defendant Lowe's
15 with damages in excess of \$74,999.99, Plaintiff shall execute any necessary
16 documents to reduce such award or judgment to \$74,999.99 in damages, and
17 shall not execute on any award or judgment in excess of \$74,999.99 in damages.
- 18 5. Plaintiff's damages are capped at \$74,999.99, and the matter should be
19 remanded to State Court.
- 20 6. Federal Case 2:18-CV-04167 SVW (SKx) shall be remanded to the Superior
21 Court of California, County of Los Angeles.
- 22 7. Los Angeles County Superior Court Case No. BC688504 shall be reinstated,
23 with trial and all other dates to be set by the State Court.
- 24 8. By executing this stipulation, through his attorney, Plaintiff limited the amount
25 in controversy, and thereby his potential recovery from this suit, to \$74,999.99.
26 Plaintiff's damages claimed, awarded, and/or received in this personal injury
27 action shall not exceed \$74,999.99, and are therefore capped at \$74,999.99.

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1 For the foregoing reasons, and all the reasons described in the Parties' Joint
2 Stipulation to Limit Plaintiff's Damages and to Remand, and for good cause shown,
3 IT IS HEREBY ORDERED that this action be remanded to the Superior Court of
4 California, County of Los Angeles. The June 18, 2018 Status Conference and all other
5 Orders of this Court made in its Order dated May 21, 2018 are hereby vacated.

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7 **IT IS SO ORDERED.**

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9 Dated: June 7, 2018

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11 HON. STEPHEN V. WILSON
12 UNITED STATES DISTRICT JUDGE
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